

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CLEAR CHANNEL OUTDOOR, INC.,

Plaintiff,

No. 06 Civ. 8193 (PAC) (DF)

– against –

THE CITY OF NEW YORK and PATRICIA J.
LANCASTER, in her official capacity as Commissioner
of the New York City Department of Buildings,

Defendants.

-----X
ATLANTIC OUTDOOR ADVERTISING, INC.,
SCENIC OUTDOOR, INC., TROYSTAR CITY
OUTDOOR LLC, and WILLOW MEDIA, LLC.

Plaintiffs,

No. 06 Civ. 8219 (PAC) (DF)

– against –

CITY OF NEW YORK, PATRICIA J. LANCASTER, and
EDWARD FORTIER,

Defendants.

-----X
DECLARATION OF ILANN M. MAAZEL

ILANN M. MAAZEL, an attorney admitted to practice in this District, declares
under penalty of perjury, as follows:

1. I am a partner in the law firm of Emery Celli Brinckerhoff & Abady LLP,
counsel to the Plaintiffs in the above-captioned matter, and I submit this declaration in further
support of Plaintiffs' motion for a preliminary injunction, which is filed together herewith. The
information provided herein is based upon my review of the attached documents and my personal

knowledge.

2. Attached hereto as Exhibit A is a true and correct copy of a June 4, 2002

Press Release, which I downloaded from New York City's website at the following address:

<<http://www.nyc.gov/portal/site/nycgov/menuitem.b270a4a1d51bb3017bce0ed101c789a0/index.jsp?pagelD=nyc_blue_room&catID=1194&doc_name=%2Fhtml%2Fom%2Fhtml%2F2002a%2Fpr135-02.html&cc=unused1953&rc=1194&ndi=1>>

3. Attached hereto as Exhibit B is a true and correct copy of a June 1, 2005

Announcement that I downloaded from New York City's website at the following address:

<<http://www.nyc.gov/html/film/html/news/060105_prod_business_spikes.shtml>>

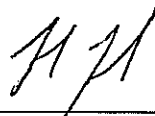
4. Attached hereto as Exhibit C is a true and correct copy of an April 2, 2003

Press Release, which I downloaded from New York City's website at the following address:

<<http://nyc.gov/portal/site/nycgov/menuitem.b270a4a1d51bb3017bce0ed101c789a0/index.jsp?pagelD=nyc_blue_room&catID=1194&doc_name=http%3A%2F%2Fnyc.gov%2Fhtml%2Fom%2Fhtml%2F2003a%2Fpr086-03.html&cc=unused1978&rc=1194&ndi=1>>

Dated: October 27, 2006
New York, New York

Respectfully Submitted,



Ilann M. Maazel

EXHIBIT A



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FOR IMMEDIATE RELEASE

June 4, 2002

PR-135-02

www.nyc.gov

MAYOR MICHAEL R. BLOOMBERG AND FIRE COMMISSIONER
NICHOLAS SCOPPETTA ANNOUNCE FIREFIGHTER RECRUITMENT
INITIATIVE

Recruitment Campaign Aims to Attract Minorities and Women

Mayor Michael R. Bloomberg and Fire Commissioner Nicholas Scoppetta today announced a new \$2.7 million ad campaign aimed at encouraging minorities and women to join the ranks of the FDNY. The recruitment campaign is called "HEROES WANTED" and is being funded by the multi-cultural marketing and communication company PASS. PASS co-founders Steven Stoute and Peter Arnell, who jointly created the pro-bono project, joined Mayor Bloomberg and Commissioner Scoppetta for the announcement at Engine 230 in the Bedford-Stuyvesant section of Brooklyn.

"As we rebuild the Fire Department, we are committed to filling its ranks with qualified men and women who represent the City's different communities," Mayor Bloomberg said. "The FDNY offers challenging and fulfilling career opportunities, and we encourage all eligible New Yorkers to apply to become part of New York's Bravest. We thank Steven Stoute, Peter Arnell, and PASS for their continued efforts, support, and generosity."

"This recruitment campaign is critical to ensuring that the Fire Department's ranks reflect the communities they serve," said Commissioner Scoppetta. "We are confident that the campaign will spur great interest and encourage the many diverse groups that make up our City to apply for the upcoming firefighter exam."

"This is going to be an intensive outdoor campaign targeting young adults between the ages of 18-28," said Stoute. "We will saturate the City with ads on bus shelters, billboards, and telephone kiosks in high traffic, ethnically diverse areas."

"With New York City in its current fiscal crisis, we are proud to be able to offer the FDNY our services to help strengthen its ranks, particularly among underrepresented communities," said Arnell, the creative director of the ad campaign. "We are honored to be

able to participate in such an important initiative for the Fire Department and the City of New York."

As part of the new recruitment strategy, the FDNY will conduct an extensive ad campaign, placing posters on billboards, in bus shelters, and in telephone booths. PASS is funding every stage of the ad campaign, from the conceptual phase to the production and placement of the ads. The Fire Department will also provide a link to its website, where potential candidates can download the application and obtain information about the exam. In addition, CUNY Chancellor Matthew Goldstein has offered to provide a link from CUNY's various websites to the FDNY website. This will allow the Fire Department to connect with more than 250,000 students enrolled in City Universities to a specially designed website containing filing information.

Potential candidates can file for the written exam from July 1 to September 30, 2002. To be eligible, candidates must not have passed their 29th birthday by July 1. The next firefighter exam will be administered on November 23, 2002. Potential applicants call (718) 999-FDNY (3369) or visit the FDNY website at www.nyc.gov/fdny.

www.nyc.gov

Contact: Edward Skyler / Jerry Russo
(212) 788-2958

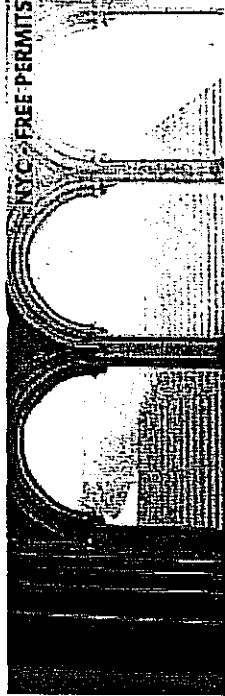
Francis X. Gribbon (FDNY)
(718) 999-2056

EXHIBIT B



THE CITY OF NEW YORK
MAYOR'S OFFICE
OF FILM, THEATRE
AND BROADCASTING

PHOTO INFO...



NYC - FREE PERMITS, FREE LOCATIONS, FREE POLICE ASSISTANCE
SAFEST LARGE CITY IN THE U.S.



Production Business Spikes Thanks to "Made in NY"

June 1, 2005 - New York City's "Made in NY" incentive program is rapidly attracting new production business to the City, with over \$ 300 million in new production business coming to the City since January. In total, the new productions will employ at least 6,000 New Yorkers.

"The 'Made in NY' incentive program has made New York City more attractive than ever to film and television producers, and we continue to hear about new productions each day," Katherine Oliver, Commissioner of the Mayor's Office of Film, Theatre and Broadcasting said. "New York City has always offered film and television productions the finest crews, richest talent and irreproducible locations, and now with a fifteen percent tax credit and free outdoor advertising, there is no reason for producers not to 'make it in NY.' Watch for the 'Made in NY' logo in the end credits of productions to confirm they were shot right here in the entertainment capital of the world."

The 'Made in NY' incentive program, which the Mayor promised to deliver in his 2004 State of the City address and unveiled in January, includes a fifteen percent tax credit for qualified film and television productions, a marketing credit which delivers advertising on City assets to productions, and the "Made in NY" logo, a mark of distinction which runs in the end credits of productions which shoot 75 percent or more in New York City.

Film productions about town -- many of which are here as a direct result of the incentive program -- include:

GreeneStreet Films' *Awake*, beginning production this summer. The film originally

- HOME
- SHOOTING IN NYC
- OUR OFFICE
- 40TH ANNIVERSARY
- RESOURCES
- INCENTIVES
- DISCOUNTS
- NEWS / STATISTICS
- ON LOCATION
- PHOTO LIBRARY
- EMPLOYMENT
- THEATRE
- LINKS

- MADE IN NY LOGO
- CURRENT NEWSLETTER
- NEWS ARCHIVES
- NYC FILM STATISTICS
- INDUSTRY STUDIES
- NYC FILM CITY TRAIL
- INDUSTRY STAR OF THE MONTH

SEARCH



scouted locations in Dublin and London before deciding on New York City.

Martin Scorsese's film *The Departed*, starring Matt Damon, Leonardo DiCaprio, Mark Wahlberg and Jack Nicholson, which thanks to the tax credit is filming Boston in New York City. The film is shooting in NYC from April-June.

Freedomland, starring Samuel L. Jackson, Julianne Moore and Edie Falco, shooting in NYC from March-June 2005.

Fur, starring Robert Downey Jr and Nicole Kidman, which is currently scouting in NYC and will be shooting from May-July 2005.

The Groomsmen, starring Ed Burns, Brittany Murphy and John Leguizamo, shooting in NYC from April-May 2005.

Inside Man, directed by Spike Lee and starring Denzel Washington, Clive Owen and Jodie Foster, which is currently scouting and will be shooting from June-August 2005.

My Brother, starring Vanessa Williams, which recently wrapped production in NYC.

Night Listener, starring Robin Williams, Toni Collette and Sandra Oh, which recently wrapped production at Silvercup Studios.

One Last Thing, starring Cynthia Nixon, Ethan Hawke and Wyclef Jean, shooting in NYC from March-May 2005.

Mel Brooks' film *The Producers: The Movie Musical*, starring Nathan Lane, Matthew Broderick Uma Thurman and Will Ferrell, shooting in its entirety in NYC from February-May 2005. In a press conference with Mayor Bloomberg and Governor Pataki announcing that the production would shoot in NYC as a result of the tax credit, Brooks said, "Without the tax benefits, the horrible truth is, this movie would probably be made in Kabul, or you know, wherever it's the cheapest place in the world for us to shoot the movie. Now this city - you can go anywhere in the world and you won't get the dynamism, the quality, the bagels. Just the bagels alone. I mean you go to Toronto, I mean, they're mushy ... At night, when you see the Chrysler Building and you see the Empire State and the Woolworth ... there is a goose bump, there is a thrill, there is a nothing like New York."

[Click here](#) for more testimonials on shooting in New York City.

design by

The City of New York Mayor's Office of Film Theatre & Broadcasting

1697 Broadway Suite 602, New York, New York 10019.

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56k or 300k**FOR IMMEDIATE
RELEASE**
April 2, 2003
PR- 086-03
www.nyc.gov**MAYOR MICHAEL R. BLOOMBERG APPOINTS JOSEPH M.
PERELLO AS
CHIEF MARKETING OFFICER FOR NEW YORK CITY*****Chief Marketing Officer Will Leverage City's Image and Assets
To Generate
New Revenue Streams for New York City***

Mayor Michael R. Bloomberg today announced the appointment of Joseph M. Perello as Chief Marketing Officer for the City of New York. The Chief Marketing Officer (CMO) will develop revenue-generating opportunities that benefit New York City through marketing, licensing, sponsorship and other commercial enterprises.

"Recognized around the world, New York City is a powerful symbol to which people have always been drawn," said Mayor Bloomberg. "New York has always evoked energy, excitement, diversity and optimism. As I said in my State of the City address, the Chief Marketing Officer will capitalize on our qualities and aggressively market all of our competitive advantages. Joe Perello and his team will establish a centralized marketing strategy for the City that will enable us to effectively leverage the world's affection and admiration for New York City and the unique assets that we possess."

"Through the network of City agencies, we hold in our hands the communication vehicles and certain rights and assets that will prove to be very valuable when packaged and presented on a citywide platform," said Deputy Mayor Doctoroff. "Managed centrally, these commercial assets will generate additional revenue for the City and for each agency. Similar to sports franchises and cultural institutions that use stadiums and exhibits as their canvas for corporate support, New York City can do the same. The difference here is that the entire City will be our canvas."

The primary objectives of the Office of the Chief Marketing Officer (CMO) include identifying the core marketing assets of the City and each City agency and tastefully centralize them into a comprehensive value proposition to corporate sponsors much the same way any successful sports franchise or museum develops corporate support.

Simultaneously, the CMO will develop proprietary City trademarks to license and distribute much the same way the NFL or the NBA develops, licenses and distributes their teams and league marks.

The CMO will also coordinate the City's marketing efforts to build a consistent brand by working with NYC & Company, the City's tourism and convention bureau, the Department of Cultural Affairs, the New York City Host Committee, which is charged with attracting major, image-enhancing events, the Mayor's Office of Film, Theatre and Broadcasting, which has made enormous strides in making New York an even more friendly place to shoot a film and put on a show, and the City's Economic Development Corporation, which is now aggressively courting business to New York. The CMO will report directly to Deputy Mayor Doctoroff.

"I am honored at being selected by Mayor Bloomberg and Deputy Mayor Doctoroff to help New York City build a great marketing plan," said CMO Perello. "I can't help but feel a rush of enthusiasm about the mission ahead of us and the potential for progress. Moreover, having great respect for the accomplishments of Mayor Bloomberg and his administration, I am excited to be part of a team that places such a high value on inspiring ideas, smart management and accountability."

Prior to his appointment, Joe Perello was the president of the marketing agency Perello & Company. The firm specialized in sports consulting, team and league marketing services, and sponsorship measurement and development. Clients included Modell's Sporting Goods, the National Football League and Everlast Worldwide. Prior to running the agency, he was Vice President of Business Development for the New York Yankees. He developed many of the team's business models, doubled sponsorship revenue and helped the Yankees to exceed the 3 million-attendance mark for the first time. Perello also helped start David Bowie's interactive firm, UltraStar, a subscription-based business focused on the music industry. Before that, Perello spent almost 10 years with MBNA America. Perello graduated from University of Delaware in 1990 with a degree in History and Journalism. He is married to Wendy, also a marketing professional, and they have a son, Matthew who is 18 months old.

www.nyc.gov

Contact: Ed Skyler / Jennifer Falk
(212) 788-2958